

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.988 of 2006

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Dated 08-09-2006

Between:

M/s.Sri shivani Weigh Bridge,
Balanagar, Hyderabad.

.....Petitioner

and

The Assistant Zonal Manager (D) & Commissioner,
Andhra Pradesh Industrial Infrastructure Corporation Ltd.,
Balanagar, Hyderabad and others.

.....Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.988 of 2006

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ORAL ORDER:

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The 1st respondent's quit notice dated 03-01-2006
is challenged in this writ petition.

Sri Venkateswara Cooperative Industrial Estate,
Balanagar

(for short "the estate") was granted exemption and
permission to set up an industrial estate by the orders of
the State Government in G.O.Ms.No.2161 Revenue
Department, dated 31-12-1982 subject to the condition
that the estate should use the land exclusively for
industrial purposes. The estate appears to have allotted
plot No.1/B-114 to one M/s.M.S.Industries.
M/s.M.S.Industries appears to have granted a lease to the
petitioner to set up a weighbridge in a part of the land
allotted to it, which *inter alia* abuts the National Highway
No.9.

Contending that the weighbridge set up by the

petitioner is contrary to the conditions of the allotment of plot to M/s.M.S.Industries and that as per the original layout approved by the Bhagyanagar Urban Development Authority, there is no open area on which the weighbridge could have been put up and that the weigh bridge violates the norms prescribed by the HUDA and was set up un-authorizedly and is also creating traffic problems on the High-way, the petitioner was called upon to submit explanation, by a notice dated. 20-12-2005. Having considered the petitioner's response dated.21-12-2005 to the notice, the 1st respondent issued the impugned quit notice informing the petitioner that setting up of the weighbridge was illegal and unauthorized, it should be closed down within the stipulated time failing which appropriate action would be initiated.

As on date no action has been initiated against the petitioner by the 1st respondent except issuance of the quit notice. In any event action when initiated by the 1st respondent to evict the petitioner is a civil action, which is susceptible to adjudication before a Civil Court of competent jurisdiction. Apart from the fact that there is no current action of the 1st respondent which needs to be interdicted, exercise of jurisdiction under Article 226 of the Constitution does not also appear to be an appropriate

remedy.

The writ petition is dismissed. No order as to costs.

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GODA RAGHURAM, J

Dated 08-09-2006

Mrb